

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charis Jones	Team: Squad #4	CCRB Case #: 201906149	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 02/25/2019 11:06 PM	Location of Incident: § 87(2)(b)	Precinct: 66	18 Mo. SOL 8/25/2020	EO SOL 4/11/2021	
Date/Time CV Reported Sun, 07/14/2019 8:12 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 07/14/2019 8:12 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicholas Long	02757	960821	066 PCT
2. POM Michael Longobardo	27542	960822	066 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nicholas Long	Abuse: Police Officer Nicholas Long threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
B.POM Nicholas Long	Abuse: Police Officer Nicholas Long forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
C.POM Michael Longobardo	Abuse: Police Officer Michael Longobardo forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

## Case Summary

On July 14, 2019, § 87(2)(b) called the CCRB and filed this complaint. On February 25, 2019, at approximately 11:06 p.m., Police Officers Michael Longobardo and Nicholas Long, of the 66<sup>th</sup> Precinct, responded to § 87(2)(b) in Brooklyn regarding a call of an emotionally disturbed person. PO Long allegedly told § 87(2)(b) that he would be tased (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(2)(b) was removed to § 87(2)(b) (**Allegation B: Abuse of Authority**, § 87(2)(g) (**Allegation C: Abuse of Authority**, § 87(2)(f) No arrests were made nor were any summons issued as a result of this incident.

There is no video evidence regarding this incident.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Nicholas Long threatened § 87(2)(b) with the use of force.**

**Allegation (B) Abuse of Authority: Police Officer Nicholas Long forcibly removed § 87(2)(b) to the hospital.**

**Allegation (C) Abuse of Authority: Police Officer Michael Longobardo forcibly removed § 87(2)(b) to the hospital.**

During her phone statement, § 87(2)(b) (mother of § 87(2)(b) testified (Board Review 02) that her husband called 911 because § 87(2)(b) was screaming and she was concerned for their safety since § 87(2)(b) had not taken his medication for two days. § 87(2)(b) refused to provide any additional information about what occurred.

The event information associated with this job noted that § 87(2)(b) was bipolar and acting violent, and that he had been acting erratically for the last few days. The call was marked as a “54” ambulance case: emotionally disturbed person inside (Board Review 05).

§ 87(2)(b) (Board Review 01) testified that he and his father, § 87(2)(b) § 87(2)(b) got into an argument the night of February 25, 2019. § 87(2)(b) informed § 87(2)(b) that he was going to call 911 and § 87(2)(b) left the location. When he came back to his residence approximately 20 officers and EMS personnel were inside. § 87(2)(b) told the officers various times that “his son needed to go to the hospital.” An officer explained to § 87(2)(b) that he needed to be taken to the hospital. The officers handcuffed § 87(2)(b) and sat him down in a wheel chair. § 87(2)(b) proceeded to lay himself on the ground where he remained for approximately 30 minutes. While on the ground, PO Long told § 87(2)(b) numerous times that he was going to tase him. § 87(2)(b) eventually got off the ground and sat in the wheelchair. § 87(2)(b) was then transported to § 87(2)(b).

PO Long (Board Review 03) testified that upon arrival at the location, § 87(2)(b) informed PO Long and PO Longobardo that § 87(2)(b) was upstairs acting irate and possibly suicidal. PO Long and PO Longobardo went up the stairs and encountered § 87(2)(b) at the top. § 87(2)(b) was biting his lip and tongue to the point where blood was coming out of his mouth. PO Long asked § 87(2)(b) how he was feeling and if he wanted to take a walk downstairs. § 87(2)(b) turned away from the officers and ran towards his room. PO Long grabbed § 87(2)(b)'s arm to prevent him from going into the room. The officers stood on either side of § 87(2)(b) and walked him down the stairs. Once they reached the bottom floor, § 87(2)(b) became combative; he clenched his fists and shoved his elbows towards the officers. PO Long and PO Longobardo handcuffed § 87(2)(b) and gently lowered him to the ground stomach-first. PO Long did not threaten to tase § 87(2)(b) while he was on the ground nor did he hear PO Longobardo do so. PO Long stated that tasing § 87(2)(b) would not have been warranted because he was handcuffed and not resisting. PO Long did not call EMS to the location. EMS had

been automatically dispatched as soon as § 87(2)(b) called 911 given the nature of the call. Once EMS arrived, § 87(2)(b) was sedated and removed to § 87(2)(b) l.

PO Longobardo's (Board Review 04) testimony was generally consistent with that of PO Long's in regards to how his initial contact with § 87(2)(b) unfolded. When § 87(2)(b) attempted to go back into his room PO Long and PO Longobardo grabbed his arms, put him into handcuffs, and escorted him down the stairs. Half way down the stairs, § 87(2)(b) clenched his fists and bent over. This knocked the officers and § 87(2)(b) off balance and they fell down the stairs to the bottom of the second floor. PO Long and PO Longobardo kept § 87(2)(b) inside until EMS arrived. PO Longobardo did not call EMS because they were already on their way due to the nature of the 911 call. PO Longobardo stated that aside from initially grabbing § 87(2)(b) to prevent him from entering his room, he did not use any additional force against him. PO Longobardo did not threaten to tase § 87(2)(b) at any point during their interaction nor did he hear PO Long do so. Once EMS arrived, § 87(2)(b) was sedated and removed to § 87(2)(b) l.

In his AIDED report, PO Long marked that upon arrival § 87(2)(b) was "irate and biting his lip causing him to bleed. PD did apprehend and restrain AIDED § 87(2)(b) to prevent him from causing any more harm to himself or others" (Board Review 10)

NYPD Patrol Guide Procedure 221-13 defines an Emotionally Disturbed as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others (Board Review 06).

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to one CCRB complaint and has been named a victim in two allegations (Board Review 07).
  - § 87(2)(b)
- PO Long has been a member-of-service for four years and has been named a subject in two CCRB complaints (including this one) and five allegations, none of which were substantiated. § 87(2)(g)
- PO Longobardo has been a member-of-service for four years has been named as a subject in two CCRB complaints (including this one) and four allegations, none of which were substantiated. § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]
- As of September 22, 2019, The New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (Board Review 09).

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Squad No.: 4

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date